

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

New Rules

INSURANCE

The DEPARTMENT OF INSURANCE adopted amendments to Required Procedure for Filing and Securing Approval of Policy Forms (50 IAC 916; 39 Ill Reg 5997) effective 12/3/15, concerning electronic filing of documents or reports to DOI. The amendments require life, accident and health insurance companies to file new policy forms as searchable text PDF files and include System for Electronic Rate and Form Filing (SERFF) tracking numbers. Combination forms must be submitted in separate filings, each with a unique company tracking number. New policy forms that replace or are substantially similar to previously approved forms must show revisions in redlined form. Form language and numbers in multiple company filings must be identical, and filing fees for each

form filed for approval by each company must be submitted via electronic funds transfer.

DOI also adopted amendments to Viatical Settlement Provider and Broker Requirements (50 IAC 5701; 39 Ill Reg 10361) effective 12/3/15 to correct a technical error made when the Department amended this Part on 3/23/15. The title of the Part has been changed to reflect its applicability to brokers as well as providers. A column of information and instructions that had been omitted from Exhibit B of this Part has been restored and a new Exhibit H has been added regarding verification of coverage for life insurance policies. DOI states that these amendments conform to the Model Rule promulgated by the National Association of Insurance Commissioners.

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Proposed Rulemakings

DUI OFFENDERS

The SECRETARY OF STATE proposed amendments to Procedures and Standards (92 IAC 1001; 39 Ill Reg 16073) implementing four Public Acts concerning driving restrictions for multiple DUI offenders. The rulemaking allows persons with 4 or more DUI convictions whose driver's licenses have been revoked for life to obtain restricted driving permits after the revocation has been in effect at least 5 years, provided that the person can prove at least 3 years of abstinence from alcohol and only drives vehicles equipped with Breath Alcohol Ignition Interlock Devices (BAIIDs). A person with a lifetime revocation in Illinois who moves to another state may petition to terminate the Illinois revocation, but this revocation will be reinstated if the

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.

RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

New Rules

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Questions/requests for copies of the 2 DOI rulemakings: Susan Anders, DOI, 320 W. Washington St., Springfield IL 62767, 217/558-0957.

AIR POLLUTION

The POLLUTION CONTROL BOARD adopted amendments to Sulfur Limitations (35 IAC 214; 39 IR 7125), Nitrogen Oxides Emissions (35 IR 217; 39 IR 7164) and Control of Emissions from Large Combustion Sources (35 IR 225; 39 IR 7176), all effective 12/7/15, all of which update the State Implementation Plan (SIP) required by the federal Clean Air Act (CAA). The amendment to Part 214 updates SIP for areas of Illinois that are out of compliance with CAA limits on sulfur dioxide. Since 1st Notice, PCB has clarified record-keeping requirements and added a supplemental limit for Midwest Generation's Powerton plant. The amendment to Part 217 brings the SIP into compliance with new CAA requirements for nitrogen

oxide. Finally, the amendment to Part 225 brings the SIP into compliance with the CAA's visibility protection requirements. Changes since 1st Notice reduce an emission limit for the Will County 4 generator, include an additional alternative means of compliance with mercury emission standards, and clarify the applicability of the Combined Pollutant Standard (CPS).

Questions/requests for copies of the 3 PCB rulemakings: Daniel Robertson, PCB, 100 W. Randolph, Suite 11-500, Chicago IL 60601, 312/814-6931, Daniel.Robertson@illinois.gov. Please reference docket R15-21. Copies of the Board's opinion and order can be obtained from <http://www.ipcb.state.il.us>.

NOISE POLLUTION

PCB also adopted an amendment to Sound Emission Standards and Limitations for Property-Line Noise-Sources (35 IAC 901; 39 Ill Reg 6179), effective 12/2/15, amending site-specific allowable noise

standards for the Clifford-Jacobs Forging Company facility in unincorporated Champaign County. The amendment allows the facility to operate forging hammers 24 hours per day (formerly, between 6 a.m. and 11 p.m.) Monday through Saturday provided that sound output near residential areas is limited to no more than 65 decibels between the hours of 11 p.m. and 6 a.m. Since 1st Notice, PCB has added provisions requiring Clifford-Jacobs to file a report with PCB at least once every 10 years (after 12/15/15) regarding new technologies, operational changes, and sound abatement measures that it has investigated to reduce sound emissions.

Questions/requests for copies: Mark Powell, PCB, 100 W. Randolph, Suite 11-500, Chicago IL 60601, 312/814-6887, Mark.Powell@illinois.gov. Please reference docket R14-22. Copies of the Board's opinion and order can also be obtained at <http://www.ipcb.state.il.us>.

Proposed Rulemakings

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person returns to Illinois. For persons convicted of 2 or more DUI offenses, the rulemaking requires them to hold restricted driving permits for at least 5 years, during which they may drive only BAID-equipped vehicles and must install BAIDs on any vehicles they own, before seeking reinstatement of driving

privileges. New Illinois residents whose licenses have been revoked in another state must wait 10 years to apply for an Illinois license and must be eligible for a driver's license under the laws of their former state of residence when they apply. Finally, the rulemaking removes obsolete waiting periods of 30 days to 3 years

before certain DUI offenders may apply for driving relief.

Questions/requests for copies/comments through 2/1/16: Amy Williams, SOS, 298 Howlett Bldg., Springfield IL 62756, 217/785-3094, awilliams2@ilsos.net

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Proposed Rulemakings

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■ FISHING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to Sport Fishing Regulations for the Waters of Illinois (17 IAC 810; 39 Ill Reg 15950) updating site-specific fishing rules; changing “creel” limits to “harvest” limits; prohibiting transportation of collected live bait between bodies of water or from spillway tailwaters to an impounded lake; allowing a Fishing Tournament Permit to take the place of a Site Activity Permit (instead of requiring fishing tournaments to obtain both permits); and setting the 2016 Free Fishing Days for June 17-20.

Questions/requests for copies/comments through 2/1/16: Anne Mergen, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-6899.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to Pay Plan (80 IAC 310; 39 Ill Reg 15850) implementing recent actions of the Civil Service Commission and Illinois Labor Relations Board. The rulemaking adds new trainee and intern titles established by the CSC, along with their salary ranges, and removes trainee/provisional titles the CSC has abolished. The Painter Foreman title is added to the list of titles whose pay is

determined by prevailing wage. Several Senior Public Service Administrator (SPSA) titles that ILRB has excluded from union representation are removed from the lists of titles represented by their former bargaining units. Also, corrections are made to certain bargaining unit pay rates and equivalent earned time provisions for consistency with the terms of the affected units’ collective bargaining agreements.

Questions/requests for copies/comments through 2/1/16: Jason Doggett, CMS, 504 Stratton Bldg. Springfield IL 62706, 217/782-7964, fax 217/524-4570, e-mail: CMS.PayPlan@illinois.gov

JCAR Meeting Action

At its 12/15/15 meeting, the Joint Committee on Administrative Rules took the following actions:

OBJECTIONS

JCAR objected to the Department of Children and Family Services’ failure to adopt the following rulemakings by the statutorily required 1/1/13 promulgation date: Reports of Child Abuse and Neglect (89 IAC 300; 39 Ill Reg 1), Placement and Visitation Services (89 IAC 301; 39 Ill Reg 19), Services Delivered by the Department of Children and Family Services (89 IAC 302; 39 Ill Reg 47), Access to and Eligibility for Child Welfare Services (89 IAC 304; 39 Ill Reg 62), Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible (89 IAC 309; 39 Ill Reg 74), Permanency Planning (89 IAC 315; 39 Ill Reg 98), Administrative Case Reviews and Court Hearings (89 IAC 316; 39 Ill Reg 123),

Interstate Placement of Children (89 IAC 328; 39 Ill Reg 137), Service Appeal Process (89 IAC 337; 39 Ill Reg 143), Appeal of Foster Family Home License Denials by Relative Caregivers (89 IAC 338; 39 Ill Reg 153), Authorized Child Care Payments (89 IAC 359; 39 Ill Reg 159) and Licensing Standards for Foster Family Homes (89 IAC 402; 39 Ill Reg 165). These rulemakings implement a Public Act concerning contact and visitation between siblings who are in DCFS custody.

JCAR objected to the Department of Labor rulemaking titled Job Opportunities for Qualified Applicants Act (56 IAC 340; 39 Ill Reg 11206) because of DOL’s refusal to state how the Department will define the “reasonable period of time” within which a party to a complaint review can request a Department determination that good

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JCAR Meeting Action

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cause beyond the party's control caused an untimely submission, allowing the submission to be considered by the Department. Section 5-10 of the Illinois Administrative Procedure Act requires that any agency policy that affects an entity outside the agency be stated in rule. (The rulemaking implements a complaint review process for alleged violations of the Job Opportunities for Qualified Applicants Act, which generally prohibits employers from asking questions about a job applicant's criminal record before the applicant is interviewed in person.)

EXTENSIONS

JCAR and the following agencies agreed to extend the Second Notice periods an additional 45 days for the following rulemakings:

Illinois Gaming Board, Video Gaming (General) (11 IAC 1800; 39 Ill Reg 8363)

State Board of Elections, Established Political Party and Independent Candidate Nominating Petitions (26 IAC 201; 39 Ill Reg 12485) and New Political Party Nominating Petitions (26 IAC 202; 39 Ill Reg 12490).

Second Notices

JCAR received no Second Notices this week. Rulemakings scheduled for consideration at the Committee's January 13, 2016 meeting will be listed on the JCAR website at <http://www.ilga.gov/commission/jcar/agenda.asp>. Further comments concerning rulemakings on the JCAR meeting agenda should be addressed to JCAR using the contact information on page 1.

Joint Committee on Administrative Rules

Senator Bill Brady

Representative Greg Harris

Senator Karen McConnaughay

Representative Lou Lang

Senator Matt Murphy

Representative David Leitch

Senator Don Harmon

Representative Ron Sandack

Senator Tony Muñoz

Representative André Thapedi

Senator Ira Silverstein

Representative Michael Tryon

**Vicki Thomas
Executive Director**